

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7009

BILL NUMBER: HB 1140

NOTE PREPARED: Dec 21, 2004

BILL AMENDED:

SUBJECT: Endangerment of a Dependent and Educational Neglect.

FIRST AUTHOR: Rep. Van Haaften

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill renames the crime of "neglect of a dependent" as "endangerment of a dependent". The bill also renames as "educational neglect" the crime of "neglect of a dependent" based on deprivation of a dependent of an education. It also makes conforming changes.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, a person who deprives a dependent of education required by law, commits a Class D felony. The bill would require that the person knowingly or intentionally deprive the dependent of education. There are no data available to indicate if the changes proposed under the bill would affect the number of offenders convicted of this crime.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Background: Between 1999 and 2004, there were 38 offenders a year committed to a DOC facility for neglect of a dependent. However, this offense has provisions other than depriving a dependent of education, and the records do not indicate the provision violated.

Explanation of State Revenues: The maximum fine for a Class D felony is \$10,000. Fine revenue is deposited in the Common School Fund and court costs are distributed to the state General Fund.

Explanation of Local Expenditures: The average cost of detention in county jails prior to a court hearings is approximately \$44 a day.

Explanation of Local Revenues: Local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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